

**Town of Cape Charles
Planning Commission
By-Laws**

ADOPTED: October 5, 2021 REVISED: October 5, 2021 REVISED: January 11, 2024 AMENDED: February 6, 2024
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ARTICLE ONE
AUTHORIZATION

- 1-1 This commission, established in conformance with the resolution passed by the Cape Charles Town Council on October 12, 1976, has adopted the following articles in order to facilitate its powers and duties in accordance with the provisions of Section 15.2-2210 and 15.2-2212, Code of Virginia, 1950, as amended.
- 1-2 The official title of this commission shall be the “Town of Cape Charles Planning Commission.”

ARTICLE TWO
PURPOSE

- 2-1 The purpose of the Cape Charles Planning Commission (the “Commission”) is to serve in an advisory capacity to the Town Council by preparing and/or reviewing plans, ordinances, capital improvement programs and other documents for consideration by the Town Council and to carry out activities as designated by the Town Council.

ARTICLE THREE
Membership

- 3-1 This Planning Commission shall consist of seven (7) members. One (1) member shall be a representative of the Town Council. The remaining six (6) members shall be referred to as appointed members.
- 3-2 The qualifications of the six (6) appointed members shall be that each is a resident of the Town, qualified by knowledge and experience to make decisions on questions of community growth and development, provided that at least one-half (1/2) of the members so appointed shall be owners of property within the Town.
- 3-3 The term of the representative from the Town Council shall be for tenure of office.
- 3-4 All other Commissioners shall be appointed for a term of four (4) years; the term of office shall commence on November 1 and expire 4 years hence on October 31.
- 3-5 Any vacancy in membership shall be filled by appointment of Town Council and shall be for the unexpired term only.
- 3-6 Members of the Commission may be removed by the Town Council for malfeasance in

office or poor attendance as determined in the sole discretion of the Council. A Commissioner may be removed without limitation in the event that the Commission member is absent from any three consecutive meetings of the Commission or is absent from any four meetings of the Commission within any twelve-month period.

- 3-7 Members of the Commission shall attend and fulfill the requirements of the Virginia Certified Planning Commissioners Program within two calendar years of their appointment.
- 3-8 The Town Council may provide for the payment of expenses incurred by Commission members in the performance of their official duties and for compensation for service. *Note: Town Council has established a \$25 monthly meeting rate as of 07/2021; this rate will automatically be adjusted if Town Council adopts new meeting rates.*

ARTICLE FOUR OFFICERS AND THEIR SELECTION

- 4-1 The officers of the Commission shall consist of a Chair, a Vice-Chair, and a Secretary. The Chair and Vice-Chair shall be elected by the membership. The Secretary shall be the Zoning Administrator, Planning Director or their designee.
- 4-2 The elected officers of the Planning Commission shall be elected for a one (1) year term by the Commission from the members at the first regular meeting after November 1 each year.
- 4-3 A candidate receiving a majority vote of a quorum of the Commission shall be duly elected. He shall take office immediately and serve for one (1) year or until his successor shall take office.
- 4-4 Should the Chair and Vice-Chair be absent at any meeting, the member with the most seniority on the Commission, alphabetically, shall preside as temporary Chair until the Chair or Vice-Chair is present.
- 4-5 Vacancies in offices shall be filled immediately by regular election procedures at the next meeting after such vacancy has occurred.

ARTICLE FIVE DUTIES OF OFFICERS

- 5-1 The **Chairman** shall be an appointed member of the Commission and shall:
 - 5-1.1 Preside at all meetings.
 - 5-1.2 Appoint committee chairmen and members.
 - 5-1.3 Be informed immediately of any official communications and report the same at the next regular Commission meeting.
 - 5-1.4 Rule on all procedural questions.
 - 5-1.5 Carry out other duties as are assigned by the Commission.

5-2 The **Vice Chairman** shall be an appointed member of the Commission and shall:

- 5-2.1 Act in the absence or inability of the Chairman.
- 5-2.2 Have the power to function in the same capacity as the Chairman in cases of the Chairman's inability to act.

5-3 The **Secretary** shall:

- 5-3.1 Keep a written record of all business transacted by the Commission.
- 5-3.2 Notify all members of all meetings.
- 5-3.3 Keep a file of all official records and reports of the Commission.
- 5-3.4 Certify all maps, records, and reports of the Commission.
- 5-3.5 Attend to the correspondence of the Commission.
- 5-3.6 Prepare and be responsible for the publishing of advertisements and public notices relating to all public hearings and public meetings.
- 5-3.7 Keep a set of minutes of the Commission meetings, which, after approval by the Commission, shall be retained in the Department of Planning & Zoning, and posted on the Town website.
- 5-3.8 Forward Commission recommendations to the Town Council along with a summary explanation of the Commission's vote and a summary explanation of any difference(s) between a staff recommendation and commission recommendation on a given matter within five days.

5-4 **Planning Commission** shall, from their own ranks:

- 5-4.1 Appoint a representative to Historic District Review Board (HDRB). Said term on the HDRB shall run concurrent with the term of the Planning Commission member.
- 5-4.2 Appoint two (2) representatives to Harbor Area Review Board (HARB). Said term on the HARB shall run concurrent with the term of the Planning Commission member.
- 5-4.3 Appoint a representative to Board of Zoning Appeals (BZA). Said term on the BZA shall run concurrent with the term of the Planning Commission member.

ARTICLE SIX COMMITTEES

6-1 Committees, standing or special, may be appointed by the Chairman, to serve as needed. Such committees shall be subject to the approval of a majority vote of the Commission.

ARTICLE SEVEN MEETINGS

7-1 Regular meetings of the Commission shall be held on the first Tuesday of each month in the Cape Charles Civic Center at 6:00 p.m. When a meeting date falls on a legal holiday, an alternative date shall be designated by the Commission. Meetings may be cancelled in advance by a majority vote of those present at a previous meeting. If the Chairman, or the Vice Chairman if the Chairman is unable to act, finds and declares that weather or other

conditions are such that it is hazardous for Commission members to attend a regularly scheduled meeting, the meeting shall be continued to the following Tuesday at 6:00 P.M. in the Cape Charles Civic Center. Such finding shall be communicated to the members of the Commission and the press and posted on the Town's website as promptly as possible. All hearing and other matters previously advertised shall be conducted at the continued meeting, and no further advertisement is required. Any regular meeting may be cancelled by the Chairman, or the Vice Chairman if the Chairman is unable to act, if there is no new business. The Secretary shall notify the members of the Commission of the cancelled meeting.

- 7-2 Special meetings or work sessions shall be called at the request of the Chairman or at the request of a majority of the membership.
- 7-3 Except as provided for in Section 2.2-3711, Code of Virginia, 1950, as amended (Virginia Freedom of Information Act), all meetings, hearings, records, and accounts of the Commission shall be open to the public. There shall be a Citizen Comment Period at each of the regular Planning Commission meetings. The Citizen Comment Period will allow a member of the Public three (3) minutes to speak about any planning matter, except agenda items scheduled for a Public Hearing. All public participation must comply with the Guidelines for Citizen Participation, as adopted by the Town Council on July 22, 2021, and which are affixed as Appendix A to these Bylaws.
- 7-4 Three or more of the members of the Commission shall constitute a quorum. No action of the Commission shall be valid unless authorized by a majority vote of those present and voting.
- 7-5 No member present shall abstain from voting unless such member has a conflict of interest in the matter being voted upon. A "conflict of interest" shall exist when there is an actual conflict: 1) pursuant to the Virginia State and Local Government Conflict of Interests Act (§ 2.2-3100 et. seq. of the Code of Virginia, or 2) pursuant to Town of Cape Charles Code of Ethics & Meeting Rules of Order, adopted by Town Council on July 22, 2021, and which is affixed as Appendix B to these Bylaws or 3) as stated by the Commission member unless objected to by a majority vote of the members of the Commission with such member asserting such conflict of interest not permitted to vote on such matter.
- 7-6 Commission members are permitted to meet with applicants outside of a Planning Commission meeting and Commission members shall publicly disclose any meetings at the next available Commission meeting by providing names of those persons in attendance and a summary of the reason(s) for such meeting, topics of discussion and any conclusions or findings as a result of the meeting.
- 7-7 The Secretary, in reporting votes of the Commission to the Town Council, shall indicate the recorded vote including any abstentions and absences.

ARTICLE EIGHT
ORDER OF BUSINESS

- 8-1 The order of business for a regular meeting shall be:
- 8-1.1 Call to order by the Chairman.
 - 8-1.2 Roll call; determination of a quorum.
 - 8-1.3 Invocation and Pledge of Allegiance.
 - 8-1.4 Consent Agenda: A) Acceptance of the Agenda; B) Presentation of the minutes; and C) Other
 - 8-1.5 Public Hearings.
 - 8-1.6 Unfinished business.
 - 8-1.7 New business.
 - 8-1.8 Report of officers and committees.
 - 8-1.9 Citizen Comment Period.
 - 8.1.10 Standing Staff Reports:
 - A) Subdivision Agent; and B) Board of Zoning Appeals Applications received, pursuant to Section 2.2-3711 of the Code of Virginia
 - 8.1.11 Adjournment.
- 8-2 The first item of business for the first regular meeting after November 1 of each year shall be the election of new officers.
- 8.3 Parliamentary procedures in the Commission meetings shall be governed by Robert's Rules of Order, specifically by the provisions which pertain to the Procedure in Small Boards. The Chair may speak, make motions and vote on all matters.
- 8-3.1 Motions shall be restated before a vote is taken.
 - 8-3.2 A tie vote on any motion means the defeat of the motion for a lack of a majority vote.
- 8.4 The Commission shall keep a set of minutes of all meetings, and these minutes shall become a public record.
- 8.5 The Commission shall retain the option to invite public comment by those present at a business meeting at such times as the Commission deems necessary.

ARTICLE NINE
HEARINGS

- 9-1 The Commission, in addition to those required by law, following Town Council referral, shall hold public hearings.
- 9-2 Notice of a hearing shall be published in a newspaper having general circulation in the area once a week for two (2) successive weeks specifying the time and place of hearing at which persons affected may appear and present their views, not less than five (5) days nor more than twenty-one (21) days after final publication, or as otherwise set forth in the Code of Virginia. Non-legal matters, or informational meetings not covered by the Code

of Virginia, but called by the Commission, may be advertised once in a/any paper deemed appropriate by the Commission for the meeting purpose.

- 9-3 The procedures followed for a public hearing on any matter shall be:
- 9.3.1 The legal advertisement is read, and the public hearing is opened.
 - 9.3.2 The matter/case before the Commission shall be summarized by the Planning Director/Zoning Administrator. Presentations by staff shall be limited to fifteen (15) minutes unless additional time is authorized by the Commission.
 - 9.3.3 The applicant, or their designated agent and/or legal representative, may make a presentation, combined total of fifteen (15) minutes, unless additional time is authorized by the Commission.
 - 9.3.4 The Commission may recall a staff member or applicant to obtain specific information or ask additional questions regarding the matter or case.
 - 9.3.5 Public Comments: Members of the public shall have three (3) minutes to speak or submit written comments in accordance with the Guidelines for Citizen Participation (Appendix A).
 - 9.3.6 The applicant and staff are each provided an opportunity to provide a rebuttal or to clarify information in response to public comments, limited to five (5) minutes.
 - 9.3.7 Staff recommendation is presented.
 - 9.3.8 If the Planning Commission does not require additional information, then the Public Hearing is closed.
 - 9.3.9 Planning Commission opens discussion on the matter and entertains votes for the recommendation and disposition of the matter.

ARTICLE TEN CORRESPONDENCE AND APPLICATION INFORMATION

- 10-1 The Secretary shall draft and sign all correspondence necessary for the execution of the duties and functions of the Planning Commission.
- 10-2 The Secretary shall communicate by telephone or other means when necessary to make communications that cannot be carried out as rapidly as required through direct correspondence.
- 10-3 A complete application from an applicant for consideration of Commission action shall be submitted generally to the Secretary not less than sixty (60) days preceding the meeting proposed for such consideration. Depending on the scope of work the Secretary may determine additional time is required for application review before such application is scheduled for consideration by the Commission and the applicant will be notified, in writing, of such action(s) and also shall be advised when an application may be considered complete and may be scheduled for Commission action.
- 10-4. All official papers and plans involving the authority of the Commission shall bear the signature of the Secretary.

ARTICLE ELEVEN
AMENDMENTS

11-1 These rules may be changed by a recorded two-thirds (2/3) vote of the entire membership after thirty (30) day's prior notice.

ATTACHMENTS:

- Appendix A - Town of Cape Charles Guidelines for Citizen Participation
- Appendix B - Town of Cape Charles Code of Ethics & Meeting Rules of Order
- Appendix C - Town of Cape Charles Policy for Electronic Participation in Planning Commission Meetings

Appendix A
**Town of Cape Charles
Guidelines for Citizen Participation**

Town Council meetings are open to the public, except when the Council invokes the provisions of the Virginia Freedom of Information Act to discuss an authorized topic under a closed (Executive) session. A period of Public Comment shall be provided as part of the Agenda for the Council's regular monthly meetings. The Public Comment period is an obligation of the Council to provide members of the public an opportunity to address the Council on legitimate matters of town business. This period shall be governed by the following provisions:

Eligibility

Only those citizens with standing in the Town of Cape Charles will be provided the opportunity to provide input during the Public Comment period. Citizens with standing include full-time residents, property owners, and business owners within the corporate boundaries of the Town of Cape Charles. State, federal, and county officials representing/serving the Town of Cape Charles are also eligible. When eligibility is called into question, input may be provided upon affirmative vote of the Council.

Registering

Persons having an interest in making in-person comments to the Town Council during the Public Comment period must register on a sign-up sheet, including their name and basis for standing, indicating the item or topic on which they wish to speak. The sign-in sheet is available at the main entrance to the Council meeting and must be completed prior to the start of the meeting. The Mayor will recognize speakers at the appropriate time.

Persons having an interest in providing written comments to the Town Council during the Public Comment period must provide such comments to the Town Clerk no later than 60 minutes prior to the start of the meeting. Written comments must include a full name, basis for standing, and the agenda item or topic on which they wish to comment. The Clerk will read authorized comments into the record following all in-person speakers during the Public Comment period.

Members of Council are not permitted to sign-up and make comment during the Public Comment period unless an agenda item being considered has a direct impact upon the Council member or his/her interests, they have declared a potential conflict of interest, and the remaining Council members have voted to excuse that Council member from official action on the related item.

Regulations:

Cell Phone and Recordings

- Ringers on cell phones or pagers shall be turned off during the time that persons are at a Town Council meeting.
- The taking of photographs and video or audio recordings of a speaker or the activities during a meeting of Town Council shall be no closer than the front row of seating or other location designated by the Mayor or presiding officer to avoid disruption to the meeting and to promote public safety. The photographer or recorder shall take steps to avoid obstructing the aisles or other areas for any length of time in such a manner as to prevent other citizens from taking photographs, or to block the view of other citizens attending the meeting. No flashes or lighting devices may be used by photographers or operators of video recording equipment.

Speaking

When a speaker is called by the Mayor or presiding officer, the following is required:

- Speakers shall speak into the microphone to ensure that their name and remarks are heard and recorded as a part of the record of the meeting.
- Speakers shall state their full name and basis for standing and topic to which they are speaking.
- If a speaker represents a group or organization, the speaker shall indicate the name of the organization and the speaker's relationship to the group or organization. Speakers may ask others from their group or organization to stand at their seats to be recognized while the group's or organization's name is announced, but non-speakers or individual members are not permitted to stand with the speaker at the podium and for safety reasons, no members of the group or organization are permitted to stand in the aisles or doorways at Town Council meetings. Those members of a group or organization who do stand when the name of the group or organization is announced shall then be seated.
- Speakers shall address remarks to the Mayor and members of Council and not to the audience.
- Speakers shall state their position, give the facts to substantiate their position, and relate the concerns they believe the Town Council should consider.
- Speaker's comments will be made part of the record and a written copy should be delivered to the Town Clerk for inclusion. If other supportive material is available, it should also be delivered to the Town Clerk for the record.
- Speakers shall refrain from campaigning for public office, personal attacks upon members of the Town Council, Town employees or officials, or any other person.
- Speakers shall refrain from words or statements which, from their usual construction and common acceptance, are construed as insults or which have a tendency to cause an act of violence or a breach of the peace.
- Speakers shall refrain from abusive language, obscenity, vulgarity, and profanely cursing or swearing.
- Speakers shall refrain from actions that would interrupt the public meeting.
- All comments must come directly from the speaker.

Time limitations for remarks

- In-person speakers shall confine their remarks to no more than three (3) minutes. Speakers will be advised when their three (3) minutes have concluded.
- Persons providing written input must limit their comments to no more than can be read by the Town Clerk within three (3) minutes. Written comments provided beyond what can be read during the allotted time will not be entered into the record.
- Speakers cannot "yield," "transfer" or "designate" their time to another speaker in an effort to provide another speaker more than the allotted three (3) minutes.
- The Mayor or other presiding officer shall have the right to limit redundant remarks, as well as the overall time provided for remarks based on consideration of the time available and the need to complete the meeting efficiently.
- After a speaker has concluded his or her remarks, the speaker shall be seated.

Decorum and order

- For safety reasons, petitioning, picketing, displaying signs or posters, solicitation, demonstrating, pamphlet distribution, conducting polls, and blocking of the entryway shall not be permitted at a Town Council meeting or within one hundred (100) feet of any doorway to the meeting location.
- These guidelines do not preclude speakers, when addressing the Town Council, from delivering to the Council members by way of the Town Clerk written materials including reports, statements, exhibits, letters, or signed petitions. Nor do these guidelines preclude those addressing the Town Council from using a chart or graph during their remarks.
- Speakers and members of the audience shall be respectful of others, even if they do not agree with others' comments.
- The Mayor or other presiding officer shall preserve decorum and shall decide all questions of public order.
- At the request of the Mayor or Town Manager, one or more persons, including Town police officers shall act as sergeant-at-arms or sergeants-at-arms at all Town Council meetings. The sergeant-at-arms or sergeants-at-arms shall, under the direction of the Mayor or other presiding officer, have charge of the Council meeting location, and shall prevent disorder or interruption of the business of Town Council.
- Applause shall be permitted only during awards and presentations. Flash photography will be permitted at this time.
- Violation of these rules by speakers or members of the audience shall enable the Mayor or other presiding officer to rule the speaker or member of the audience out of order and by directive to have the speaker or member of the audience removed from the meeting, if necessary, and to take such other steps the Mayor or other presiding officer deems appropriate. The Mayor's or other presiding officer's decision to remove or rule a speaker or member of the audience out of order shall be final. One (1) warning will be given and if not heeded, the speaker or member(s) of the audience shall be escorted from the meeting.
- Any citizen is welcome to address their concerns informally with the Mayor, Town Council or Town Manager at any time outside of a Town Council meeting.

Town Council Response

Council members or Town employees shall not respond to questions posed nor address or rebut speaker's statements made during the Public Comment period. The Council, at its discretion, may direct matters raised during the Public Comment period be placed on the Agenda of a future meeting.

The Town Council hopes these Guidelines will encourage the greatest possible participation by citizens in the Town Government.

Applicability

While these guidelines reference the Town Council specifically, they shall also apply to all Town boards, commissions, and committees as appropriate.

Thank you for your interest and participation in your Town Council meeting. The Mayor and Town Council invite and encourage you to attend whenever possible because good, responsive government depends on the interest and involvement of all citizens.



Appendix B

Town of Cape Charles

Code of Ethics & Meeting Rules of Order

Adopted July 22, 2021

Preamble

The citizens and businesses of the Town of Cape Charles, Virginia, are entitled to have fair, ethical and accountable local government, which has earned the public's full confidence for integrity. The effective functioning of representative government requires that public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government; that public officials be independent, impartial, and fair in their judgment and actions; that public office be used for the public good, not for personal gain; and that public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Town of Cape Charles Town Council has adopted this Code of Ethics and Rules of Order for members of the Town Council and of the Town's boards, commissions, and committees to assure public confidence in the integrity of local government and its effective and fair operations.

Code of Ethics

1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of the Town of Cape Charles and not for any private or personal interest, and they will assure fair and equitable treatment of all persons, claims, and transactions coming before the Town of Cape Charles Town Council, boards, commissions, and committees.

2. Comply with the Law

Members shall comply with the laws of the nation, the Commonwealth of Virginia, and the Town of Cape Charles in the performance of their public duties. These laws include but are not limited to the United States and Virginia Constitutions; the Charter of the Town of Cape Charles; laws pertaining to conflicts of interest, election campaigns, employer responsibilities, open processes of government; and Town ordinances and policies.

3. Conduct of Members

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct or language, personal charges or verbal attacks upon the character or motives of other members of the Town Council, boards, commissions, committees, the staff, or the public.

4. Respect for Process

Members shall perform their duties in accordance with the processes and Rules of Order established by the Town Council; they shall respect the deliberation of public policy issues of other bodies, the meaningful involvement of the public, and the Town staff's implementation of policy decisions of the Town Council.

5. Conduct of Public Meetings

Members shall prepare themselves for public business; listen courteously and attentively to all public discussions before the body; and focus on the issues at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

6. Decisions Based on Merit

Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

7. Communication

Members shall publicly share substantive information that is relevant to a matter under consideration by the Town Council or boards, committees, and commissions, which they may have received from sources outside of the public decision-making process.

8. Gifts and Favors

A member should never accept for himself or herself or for family members, gifts, favors, or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties.

9. Confidential Information

Members shall respect the confidentiality of information concerning the property, personnel, or affairs of the Town. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, or other private interests.

10. Use of Public Resources

Members shall not use public resources that are not available to the public in general, such as Town staff time, equipment, supplies, or facilities, for private gain or personal purposes.

11. Advocacy

Members shall represent the official policies or positions of the Town Council, boards, commissions, or committees to the best of their ability when designated as delegates for this purpose. When representing their individual opinions and positions in any venue, members shall explicitly state they do not represent their body of Town of Cape Charles, nor will they allow the inference that they do.

12. Policy Role of Members

The Town Council determines the policies of the Town with the advice, information, and analysis provided by the public boards, commissions, committees, and Town staff. The Town Council delegates authority for the administration of the Town to the Town Manager.

Members, therefore, shall not interfere with the administrative functions of the Town or the professional duties of Town staff, nor shall they impair the ability of staff to implement Town Council policy decisions. Inquiries to staff shall be made through the Town Manager or the appropriate department manager or director as authorized by the Town Manager.

13. Independence of Town Council and Commissions

Because of the value of the independent advice of boards, committees, and commissions to the public decision-making process, members of the Town Council shall refrain from using their positions to unduly influence the deliberations or outcomes of board, committee, or commission proceedings.

14. Positive Workplace Environment

Members shall support the maintenance of a positive and constructive workplace environment for Town employees, citizens, and businesses dealing with the Town. Members shall recognize their special role in dealings with Town employees and in no way create the perception of inappropriate direction to staff. All requests for staff resources must be approved by the Town Manager.

15. Implementation

Ethical standards shall be included in the regular orientations for candidates for the Town Council, applicants to boards, committees, commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they have read and understood the Town of Cape Charles Code of Ethics and Rules of Order. In addition, the Town Council, boards, committees, and commissions, shall annually review the Code of Ethics and Rules of Order, and the Town Council shall consider recommendations from boards, committees, and commissions to update it as necessary.

16. Compliance and Enforcement

The Town of Cape Charles Code of Ethics expresses standards of ethical conduct expected of Members of the Town of Cape Charles Town Council, boards, committees, and commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The chairs of boards, committees, and commissions and the Mayor of the Town of Cape Charles have the additional responsibility to intervene when actions of Members that appear to be in violation of the Code of Ethics are brought to their attention.

A violation of this Code of Ethics shall not be considered a basis for challenging the validity of a Town Council, board, committee, or commission decision. However, it may be considered when the Town Council is determining the suitability of any person to serve in any appointed position.

Conflict of Interest

In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest and shall disclose any substantial organizational responsibility or personal business relationship to the parties in any matter coming before them. In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts are determined to exist. This paragraph is not intended to unduly restrict members who have minor business or professional dealings with clients whose matter comes before them.

1. Abstention

As elected or appointed officials, members have a duty/obligation to represent their constituents in all public matters coming before their body. It is not appropriate for individual members to decide in which matters they should abstain. If a member believes they have a conflict of interest on any matter before their body, they are REQUIRED to disclose it before deliberations on that business begins. However, it shall be up to the remaining members of that body to determine if an actual conflict exists and if the member disclosing the potential conflict can be excused from participating in the business. If the body votes to allow the member to recuse him/herself, that member will not participate in any of the discussions or vote related to that business. Failing a vote to allow recusal, the member shall participate as normal.

2. Representation of Third-Party Interests

In keeping with their role as stewards of the public interest, members of the Town Council shall not appear on behalf of the private interests of third parties before the Town Council or any board, committee, commission, or proceeding of the Town; nor shall members of boards, committees, or commissions appear before their own bodies or before the Town Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies. This provision should not unduly restrict a member's participation who is associated with, but not representing, community or non-profit organizations serving the Town, whose matter comes before them.

Meeting Rules of Order

The following rules of order are to serve as a non-binding guide to the conduct of business. It is the duty of the Mayor or other presiding officer to conduct meetings in accordance with the Code of Virginia, the Town Charter, applicable Bylaws, and in a manner intended to promote open, civil, and fair discussion of all issues.

1. Meeting Types

All meetings of the Town of Cape Charles fall under the provisions of the Virginia Freedom of Information Act (FOIA). All members will receive training on VA FOIA requirements upon initial appointment, as well as periodic refreshers. The Town Clerk will ensure FOIA training is completed, and that all records of the training are maintained. This document is not to be considered a substitute for FOIA training and offered only as a summary overview.

The public must be provided notice and access to all Town meetings.

- **Regular Meeting:** Meetings required by Charter or Bylaws to occur on a regular interval to conduct the primary business of the body. These meetings are conducted more formally, with established procedure. The Mayor or presiding officer will enforce these procedures to ensure proper decorum and efficient flow of business. Agendas will include a public comment period on any topic in accordance with public comment procedures established by the Town Council.
- **Special Meeting:** Meetings to conduct official business of the body that are deemed necessary in addition to Regular Meetings. Special Meetings are also conducted formally but may not include all Regular Meeting agenda items. Public comments will be permitted but limited to only business items on the agenda. Special meetings may be called by the Mayor, Chairperson, Town Manager, or any three members of a body.
- **Work Session:** Informal meetings of the body that allow for relaxed procedure enabling freer flowing discussion. No official action may be taken during a work session, however determining consensus on items to be brought forward to a Regular or Special meeting is appropriate. Work Sessions are generally used for (but not limited to) brainstorming, information gathering, planning efforts, budget review, or when more time is needed on a particular item than is typically afforded during formal meetings. The public must be permitted the opportunity to observe work sessions but are not typically permitted an opportunity to provide comments. The Mayor or presiding officer may on special circumstance, allow public comment. Work sessions may be called by the Mayor, Chairperson, Town Manager, or any three members of a body.
- **Closed Session:** Closed Sessions (Executive Sessions) are authorized by FOIA to discuss certain confidential matters limited to specific purposes, while using very specific procedures. Though a portion of this meeting is closed to the public, other portions are open. The public must be permitted to be observe the motion to go into Closed Session as well as the certification upon leaving the Closed Session.
- **Public Hearing:** Public Hearings are intended to solicit public feedback on specific topics. These topics will be advertised in advance. Input may be made in person or in writing. All comments will adhere to the Town Council approved guidelines. Comments will be directed to the body and not to any individual. Members shall not respond to questions posed nor address or rebut speaker's statements made during the Public Hearing.
- **Town Hall Meeting:** An informal meeting where no official action is taken. A Town Hall Meeting is essentially a Work Session that involves the public. These meetings are typically focused on one or two topics and encourages dialog between members and the public. A primary goal of a Town Hall meeting is to provide decision makers with in-depth public perspectives prior to taking an official action.

- Social or Community Events: These are gatherings where no official business is conducted, but where Town issues may be informally discussed. If more than two members will be present in their capacity as a Town official, the gathering should be posted. There are no agendas or minutes associated with these functions.

2. Motions

- Unanimous Consent: Routine business is typically conducted by unanimous consent. This is an informal process that allows business to be conducted expeditiously. The procedure is for the presiding officer to ask whether anyone objects to a particular action and then to state, "Hearing no objection the action will be taken by unanimous consent." Note that even when a member is not in favor of a particular action the member may chose not to object in the interest of moving the agenda forward. In other words, unanimous consent does not mean that everyone was actually in favor of the action. If anyone objects, then the action must be addressed with a formal motion and vote.
- Main Motion: This is the motion that brings business before the council or other body. Such motions should be stated in a concise form and should generally be in writing to avoid misunderstandings. It must be seconded and when voted upon will ordinarily require a simple majority vote. There are circumstances where a super majority may be required. such as in the disposition of real estate. Before voting on the motion the presiding officer should call for discussion. The presiding officer should allow for discussion until it terminates by *unanimous consent* or is formally terminated by a subsidiary motion (discussed below).

When the motion is ripe for a vote the presiding officer should call for "all in favor" and then "all opposed." The presiding officer should then clearly state either the "motion passes" or the "motion fails." Generally, in the event of a tie the presiding officer may cast the deciding vote. The Town Charter expressly allows the Mayor to vote in the event of a tie. Any member may request a roll call vote.

- Subsidiary Motions:
 - Motion to Postpone Indefinitely (sometimes incorrectly called a motion to table): Normally used to putaside business that is not ripe for consideration. such as when further study is required. It requires a second. is debatable and is not amendable.
 - Motion to Amend: This is a motion to amend the wording and sometimes the meaning of the main motion. It requires a second and is debatable. It is also amendable *one time*. Note that a vole to adopt the amendment is not a vote on the main motion. Once the motion to amend is adopted the amended main motion must then be voted on as well. Often. simple motions to amend are adopted by unanimous consent. Also. note that whether the member that offered the original motion is willing to accept the proposed amendment or not is irrelevant. It must still be seconded and voted upon or adopted by unanimous consent.

- Motion to Refer: This is a motion to refer a matter to a committee or other body for action. In effect, when the motion is to refer the matter to a "workshop, it is a motion to refer the matter to a committee comprised of the entire council or other body (a committee of the whole). It requires a second and is debatable.
- Postpone to a Certain Time: Used when a matter is best considered at a different time to allow for the orderly conduct of business. It requires a second and is debatable.
- Motion to Limit Debate: Used to put a limit on the time permitted for debate of a motion. It requires a second, is not debatable and traditionally requires a two-thirds vote. Since the Town Charter allows for business to be conducted based on a majority vote, if a motion to limit debate does not pass by a two-thirds vote, then after further debate for a reasonable time the motion shall require only a majority vote.
- Motion of the Previous Question (often referred to as "a motion to call the question" or "motion to bring the matter to a vote"): Used to end debate and bring the pending motion to a vote. It requires a second, is not debatable, and traditionally requires a two-thirds vote. Since the Town Charter allows for business to be conducted based on a majority vote, if a motion of the previous question does not pass by a two-thirds vote, then after further debate for a reasonable time the motion shall require only a majority vote.
- Motion to Lay on the Table (often confused with a motion to postpone indefinitely): Used to temporarily interrupt pending business so that another matter can be considered first. It requires a second and is not debatable. This is often done by unanimous consent to move business forward.
- Motion to Recess: This is a motion to take a short break in the proceeding. It requires a second and is not debatable.
- Motion to Adjourn: This motion closes the meeting. It requires a second and is not debatable.

3. Agenda

The presiding officer should make a reasonable effort to conduct business in accordance with a consent agenda. The agenda should be organized to promote the orderly conduct of business. If the members cannot agree on the agenda, it should be presented by motion and subject to a vote. Keep in mind that even after an agenda is approved it can be amended. Often that is done by unanimous consent at the suggestion of the presiding officer to expedite the meeting. The procedure is for the presiding officer to state, "Is there any objection to amending the agenda [explain]. Hearing no objection, the agenda is so amended by unanimous consent."

4. Other Issues

- Mayor's Veto: The Town Charter provides the Mayor with "the power of veto over the ordinances and resolutions of the council, but such ordinances and resolutions may be passed over such veto by a two-thirds vote of the members of the town council present and meeting." With a six-member council the override requires a vote of four members if all are present and voting.
- Quorum: The Town Charter provides that "four members of the town council shall constitute a quorum for the transaction of business at any meeting." The bylaws of other bodies establish the number of members required for a quorum. The Code of Virginia provides that if a member is disqualified due to a conflict of interest "the remaining member or members shall constitute a quorum for the conduct of business and have authority to act for the agency by majority vote, unless a unanimous vote of all members is required by law, in which case authority to act shall require a unanimous vote of remaining members." 2.2-3112.C.

Acknowledgement

I _____ (printed name), a sitting member of
_____ (body), hereby certify that I have
been given a copy, read, understand, and will abide by the above Town of Cape Charles Code of
Ethics & Meeting Rules of Order, adopted on July 22, 2021.

_____ (signature)

_____ (date)

APPENDIX C
TOWN OF CAPE CHARLES
POLICY FOR REMOTE PARTICIPATION IN
PLANNING COMMISSION MEETINGS Adopted
February 6, 2024

Pursuant to the Code of Virginia Section 2.2-3708.2 and 2.2-3708.3, the Cape Charles Planning Commission adopts the following to allow for remote participation or electronic participation in meetings of the Planning Commission:

The following provisions qualify for an individual member of a public body to use remote participation in meetings:

- i) a temporary or permanent disability or other medical condition that prevents the member's physical attendance;
 - ii) a family member's medical condition that requires the member to provide care for such family member that prevents the member's physical attendance;
 - iii) the member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or
 - iv) a personal matter.
1. On or before the day of a meeting, the Planning Commission Member shall notify the Chairman that he/she is unable to attend the meeting due to:
 - a. A temporary or permanent disability or other medical condition. The minutes of the meeting shall include the fact that the member participated through electronic communication means due to a temporary or permanent disability or other medical condition that prevented the member's physical attendance, along with the remote location from which the absent member participated.
 - b. A family member's medical condition. The minutes of the meeting shall include the fact that the member participated through electronic communication means due to a family member's medical condition that required the member to provide care for such family member, preventing the member's physical attendance, along with the remote location from which the absent member participated.
 - c. Principal residence is more than 60 miles from the meeting location. The minutes of the meeting shall include the fact that the member participated through electronic communication means due to the distance between the member's principal residence and the meeting location.
 - d. A personal matter. The member must specifically identify the nature of the personal matter which shall be recorded in the minutes of the meeting, along with the remote location from which the absent member participated.

Participation by a member pursuant to this subdivision is limited to two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

2. A quorum of the Planning Commission must be physically assembled at the primary meeting location.
3. The Planning Commission members present at the physical location must approve the electronic participation by a majority vote.
 - a. If the absent member's remote participation is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes of the meeting.
4. Arrangements must be made for the voice of the remote participant to be heard by all persons at the primary meeting location.